

**Amendments to the Claims:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims:**

1-3. (Cancelled).

4. (Currently Amended) A method for discarding a data packet comprising:  
classifying the data packet including a type of service (TOS) indicator in order to produce an internal class service (ISC) indicator and a drop preference (DP) indicator;  
modifying the data packet with a watermark (WM) indicator according to the availability of a system resource;  
concatenating the ISC indicator, the WM indicator and the DP indicator of the data packet to produce a key value;  
comparing the recovered data to a committed information rate (CIR); and  
discarding the data packet based on a result of a comparison of the recovered data and the CIR.

5. (Previously Presented) The method of claim 4 wherein the comparing of the recovered data to the CIR comprises:  
finding an entry in a congestion clip table (CCT) using a key value being a concatenation of the ISC indicator, the WM indicator and the DP indicator; and  
comparing data recovered from the entry to the CIR.

6. (Previously Presented) The method of claim 4 wherein the classifying of the data packet comprises:  
analyzing a field of the data packet to determine a packet characteristic; and  
assigning the TOS indicator based upon the packet characteristic.

7-15. (Cancelled)

16. (Previously Presented) A computer usable medium having computer readable program code embodied in the medium executed by a route switch processor, the program code comprising:

a first program code for causing a computer to classify the data packet including a type of service (TOS) indicator in order to produce an internal class service (ISC) indicator and a drop preference (DP) indicator;

a second program code embodied in the computer usable medium for causing the computer to modify the data packet with a watermark (WM) indicator;

a third program code embodied in the computer usable medium for causing the computer to concatenate the ISC indicator, the WM indicator and the DP indicator of the data packet to produce a key value;

a fourth program code embodied in the computer usable medium for causing the computer to compare data recovered using the key value to a committed information rate (CIR); and

a fifth program code embodied in the computer usable medium for causing a computer to discard the data packet based on a result of the comparison of the data recovered and the CIR.

17. (Previously Presented) The computer usable medium of claim 16 wherein the fourth program code embodied in the computer usable medium is further configured to:  
finding an entry in a congestion clip table (CCT) using the key value.

18. (Currently Amended) The computer usable medium of claim 16, wherein the first program code comprises:

computer readable program code to analyze a field of the data packet to determine a packet characteristic; and

computer readable program code to assign the TOS indicator based upon the packet characteristic.